IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 16875 of 2004

Between:

Mujjuluri Chittibabu, S/o Late Krishna Murthy,
R/o Veerabhadrapuram, Door No. 22-5-16, Behind Bijili Ice Factory, Rajahmundry,
East Godavari District.

..... PETITIONER

AND

The District Judge,Rajahmundry, East Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or orders or direction more in the nature of Writ of Mandamus directing the Respondent herein to pass order protecting the pay in the new post and pay the benefits due to the Petitioner, consequently to his appointment to the new post in the new Department and all other benefits due to him and holding the action of the Respondent in not doing so as illegal and to pass such other order or orders.

Counsel for the Petitioner: Mr. B.VEERAIAH

Counsel for the Respondent: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner retired from service on 30.11.1997. He had grievance with respect to his pay fixation. On his representations, orders were passed on 4.5.1999 by the District Judge, East Godavari, Rajahmundry, which sealed the petitioner's fate. Petitioner did not choose to question the legality and validity of the said order till filing of this writ petition on 16.9.2004. There is no explanation forthcoming from the petitioner as to why the petitioner did not within the period of limitation question the legality and validity of the said order. There will be hardly any ground to entertain this writ petition at this belated stage. Merely because petitioner had been submitting representations, but, that will not give rise to any fresh cause of action to the petitioner.

The writ petition is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 29th September, 2004

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C.V.RAMULU,J

Pnb

To

1. The District Judge,Rajahmundry, East Godavari District.
2. Two C.D. copies